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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 26, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHANNON BRUCE MORLEY,
Plaintiff,
v.
NAPHCARE MEDICAL
DEPARTMENT,
Defendant.

NO: 2:24-CV-0254-TOR
ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION FOR
FAILURE TO PAY FILING FEE

By Order filed August 27, 2024, the Court directed Plaintiff, then a *pro se* pretrial detainee at Spokane County Detention Services, to show cause why his application to proceed *in forma pauperis* should be granted. ECFF No. 6. In the alternative, Plaintiff was granted the opportunity to pay the \$405.00 fee (\$350.00 filing fee plus \$55.00 administration fee) to proceed with this action.

On September 16, 2024, Plaintiff submitted a Response, ECF No. 10, purportedly mailed from Eugene, Washington, although the return zip code indicates that it was mailed from Eugene, Oregon. ECF No. 11. Plaintiff subsequently

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND
DISMISSING ACTION FOR FAILURE TO PAY FILING FEE -- 1

1 inquired about the status of his case, notifying the Court of another change of address
2 to Salem, Oregon. ECF Nos. 12 and 13.

3 Mr. Morley does not refute the Court's finding that he has three or more
4 "strikes" under 28 U.S.C. § 1915(g). Rather, he complains that while he was housed
5 at Spokane County Detention Services between June 5, and August 28, 2024, his
6 medication was not dispensed as prescribed, and as a result, his "metabolism system
7 attacked [his] internal organs and put [his] entire body, mind and soul in a cyclone
8 of damaging lack of hormone damage to [his] body." ECF No. 10 at 1.

9 These conclusory assertions are insufficient to demonstrate that Plaintiff was
10 under imminent danger of serious physical injury on July 25, 2024, when he
11 submitted his complaint to the Court. ECF No. 1. Consequently, he has failed to
12 overcome the preclusive effects of 28 U.S.C. § 1915(g). *See Andrews v. Cervantes*,
13 493 F.3d 1047, 1055-56 (9th Cir. 2007) (discussing imminent danger exception to
14 three-strikes rule).

15 Therefore, **IT IS ORDERED:**

- 16 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.
17 2. This action is **DISMISSED** for failure to pay the filing fee as required
18 by 28 U.S.C. § 1914.

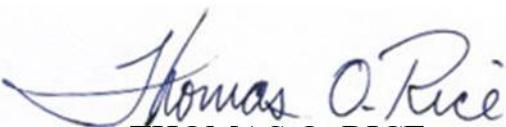
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1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 enter judgment, forward a copy to Plaintiff at his last known address, and close the
3 file. The Court certifies any appeal of this dismissal would not be taken in good
4 faith.

5 **DATED** September 26, 2024.



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7 THOMAS O. RICE
8 United States District Judge

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